

**COPY**

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

703-0095

STIPULATED AGREEMENT NO. **1056**

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as "COMMISSION", the Norfolk Southern Railway Company, hereinafter referred to as "COMPANY", Leech Township in Wayne County, Illinois, hereinafter referred to as "TOWNSHIP", and the State of Illinois, Department of Transportation, hereinafter referred to as "DEPARTMENT".

WITNESSETH:

WHEREAS, it has come to the attention of the COMMISSION through informal correspondence that inquiry should be made into the matter of improving public safety at the crossing of the COMPANY 's track with a public highway known as 2450E/TR548 located near the City of Golden Gate, Illinois, designated as crossing AAR/DOT 724 710N, milepost 123.36-A; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a staff member of the COMMISSION's Transportation Division, Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to the Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the COMMISSION by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the COMMISSION enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund (Fund) of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

- (a) The installation of automatic flashing light signals and gates controlled by constant warning time circuitry.

**DOCKETED**

- (b) The installation of a new 24-foot crossing surface at the subject crossing in order to conform with requirements of 92 Illinois Administrative Code, Part 1535.203.
- (c) The removal of trees and brush on COMPANY right of way for a distance of 500 feet on the northeast, northwest, and southeast quadrants of the subject crossing in order to comply with 92 Illinois Administrative Code, Part 1535.205.
- (d) The reconstruction of the highway approaches, in order to conform with the requirements of 92 Illinois Administrative Code, Part 1535.204, and as depicted on the proposed plan in Exhibit C-1.
- (e) The replacement of the advance warning sign on the north highway approach to the crossing in order to conform with requirements of 92 Illinois Administrative Code, Part 1535.310.

Section 3           The COMPANY and the TOWNSHIP have each prepared a preliminary estimate of cost to accomplish the proposed improvements, which they may be required to perform. Said estimates are attached as Exhibit B and C. The COMPANY shall upon Order, according to the requirements contained therein, prepare detailed drawings, detailed circuit plans, estimates of cost and any required specifications for the proposed improvements for the approval of the COMMISSION and DEPARTMENT. The TOWNSHIP has also prepared a design plan for the required approach reconstruction and is attached as Exhibit C-1.

Section 4           The COMPANY shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be 60 days and for the completion of the proposed improvements should be twelve (12) months, from the date of COMMISSION Order subsequent to this Agreement.

Section 5           The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- a)     The cost to install the automatic flashing light signals and gates controlled by constant warning time circuitry, as set forth in Section 2(a), is estimated at \$151,500. The Fund should pay 95% of the installation costs, not to exceed \$143,925, with the Company paying all remaining installation costs as well as all future operating and maintenance costs;
- b)     The cost for the installation of a new 24-foot wide crossing surface at 2450E/TR548 as set forth in Section 2(b), and all cost of future maintenance of the crossing surface, should be paid 100% by the COMPANY.
- c)     The cost for the removal of trees and brush on COMPANY right of way for a distance of 500 feet on the northeast, northwest, and southeast quadrants of the subject railroad crossing as set forth in Section 2(c), and all cost of future maintenance, should be paid 100% by the COMPANY.

- d) The cost to reconstruct the highway approaches, as set forth in Section 2(d), is estimated at \$18,784. The Fund should pay 50% of the reconstruction costs, not to exceed \$9,392, with the Township paying all remaining reconstruction costs as well as all future maintenance of the highway approaches.
- (e) The cost for installation and maintenance of the advance warning sign, to be installed on the north highway approach to the crossing, should be paid 100% by the Township.

Section 6            The TOWNSHIP is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the order and indicates this intent by the Resolution attached as Exhibit D.

Section 7            Special Provisions: Since the warning device improvement at the subject crossing will be performed by railroad crews, no flagging or contractor liability insurance will be required for said work.

Since the TOWNSHIP and/or its contractor will perform the highway reconstruction, roadway contractor and railroad liability insurance will be required as specified in the Illinois Department of Transportation's "Standards and Specifications for Road and Bridge Construction".

The COMPANY and the TOWNSHIP, at six (6) month intervals from the date of Commission Order subsequent to this Agreement, shall submit to the Director of Processing and Information, Transportation Division of the Commission, a written report stating the progress it has made toward completion of the work herein required. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number and facsimile number of COMPANY or the TOWNSHIP employee responsible for management of their portion of the project.

All bills for expenditures authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to the Fiscal Control Unit of the Illinois Department of Transportation's Bureau of Local Roads and Streets, 2300 South Dirksen Parkway, Springfield, Illinois 62674. The Department shall send a copy of all bills to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures shall be clearly marked "Final Bill". All bills shall be submitted no later than twenty-four (24) months from the date of Commission Order subsequent to this Agreement. The Department shall, at the end of the 24<sup>th</sup> month from the Commission Order date, de-obligate all residual funds accountable for installation cost for this project.

Section 8 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

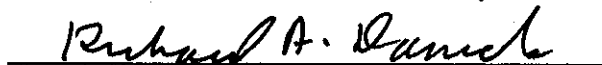
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this **10<sup>th</sup>** day of **July**, 2003.

A handwritten signature in black ink, appearing to read "Michael E. Stead", written over a horizontal line.

Michael E. Stead  
Rail Safety Program Administrator

Attest:

A handwritten signature in black ink, appearing to read "Richard A. Daniels", written over a horizontal line.

Richard A. Daniels  
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1056 concerning improvements at the crossing of the Norfolk Southern Railway Company's track with a public highway known as 2450E/TR548 located in Leech Township, Wayne County, Illinois, designated as crossing AAR/DOT 724 710N, milepost 123.36-A.

Executed by the DEPARTMENT this 12<sup>th</sup> day of August 2003.

STATE OF ILLINOIS

DEPARTMENT OF TRANSPORTATION

By:

Vitor A. Modersaw  
Director of Highways

Illinois Commerce Commission Stipulated Agreement No. 1056 concerning improvements at the crossing of the Norfolk Southern Railway Company's track with a public highway known as 2450E/TR548 located in Leech Township, Wayne County, Illinois, designated as crossing AAR/DOT 724 710N, milepost 123.36-A.

Executed by the TOWNSHIP this 4<sup>TH</sup> day of September 2003.

By: Betty Elliott, Clerk

Attest:

Sandra Lee Simpson



Illinois Commerce Commission Stipulated Agreement No. 1056 concerning improvements at the crossing of the Norfolk Southern Railway Company's track with a public highway known as 2450E/TR548 located in Leech Township, Wayne County, Illinois, designated as crossing AAR/DOT 724 710N, milepost 123.36-A.

Executed by the COMPANY this 12<sup>th</sup> day of September 2003.

NORFOLK SOUTHERN RAILWAY  
COMPANY  
*taj*

By: HR Comstock  
General Manager

Attest:

Mary Ann M. Sullivan  
Assistant Corporate Secretary

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT SURVEY FORM

RR/Line NS/A Milepost 123.36 Inventory # 724 710N  
 City Near Golden Gate Street 2450E/TR 548. County Wayne  
 Jurisdiction Local Urban      Rural X Commercial      Residential       
 Street Surface Oil and chip Width 18' Condition fair  
 Angle 85° Tracks Tangent Yes Degree of Curve N/A Superelevation N/A  
 Depth of Cut                      Height of Fill 2'

Crossing Surface

Track Centers	Elevation	Track Main	Type Timber/Asphalt	Width 22'	Condition bad

Intersecting Roads <100' no <200' no

Traffic Control Devices Present: none

ADT 225 Speed 55 mph/unposted Statewide Yes

School Buses possible Hazardous Materials possible Other N/A

Rail Traffic: Ft. 21 @ 50 mph Pass.      @      mph Switch     

Simultaneous Movements: No Daylight and Dark: Yes

Present Protection: Crossbuck signs

Advance Warning Signs south/Yes, north/replace Pavement Marking no



Visibility Study

Quad	Clearing Visibility	Obstruction	Stopping Visibility	Obstruction
NE	N/A		25'	Trees and brush
NW	N/A		25'	Trees and brush
SE	N/A		25'	Trees and brush
SW	N/A		OK	

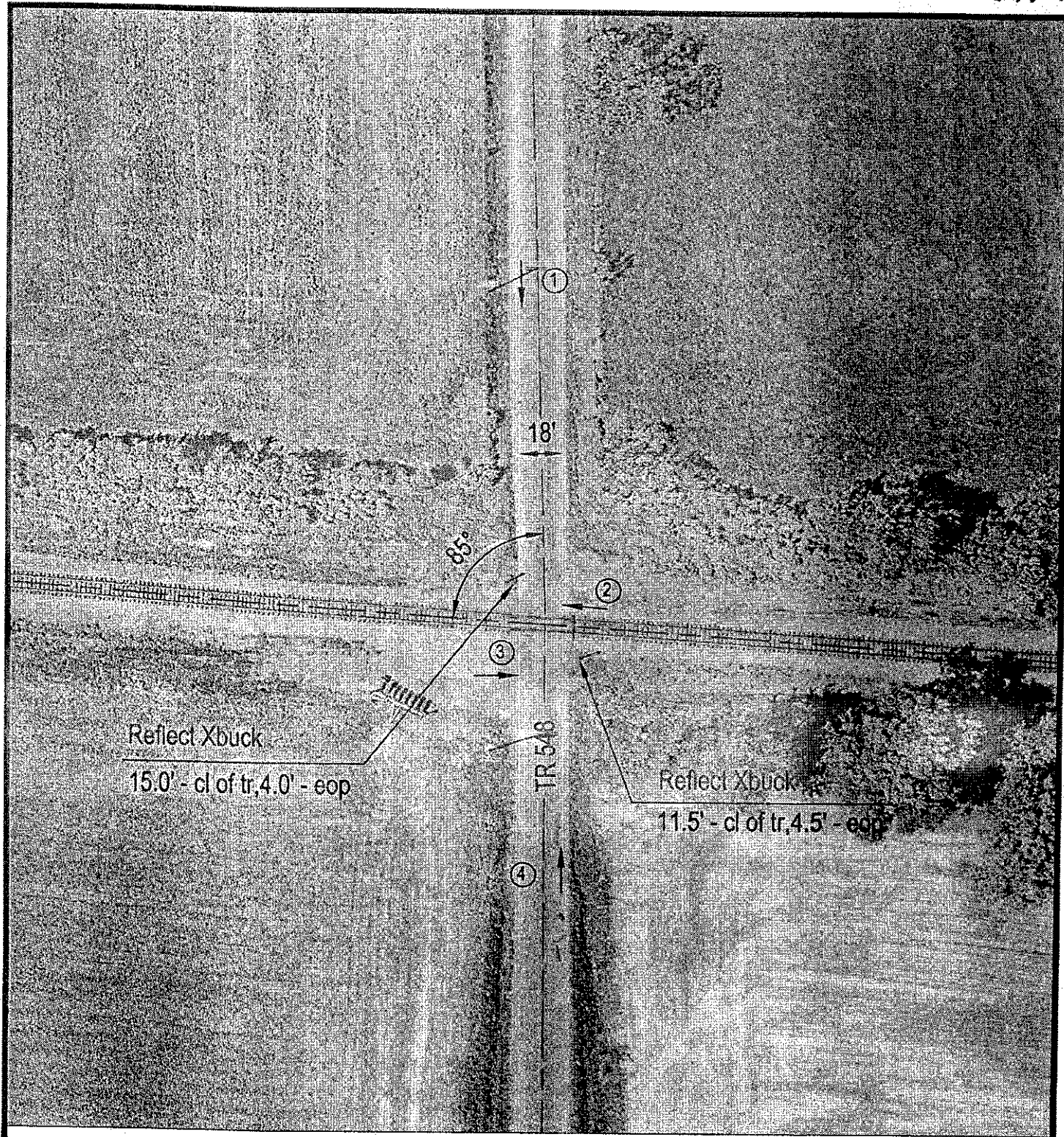
Approach Grades

North	25'	+3.36 %	50'	+1.60 %	'	%
South	25'	-5.96 %	50'	-9.92 %	'	%

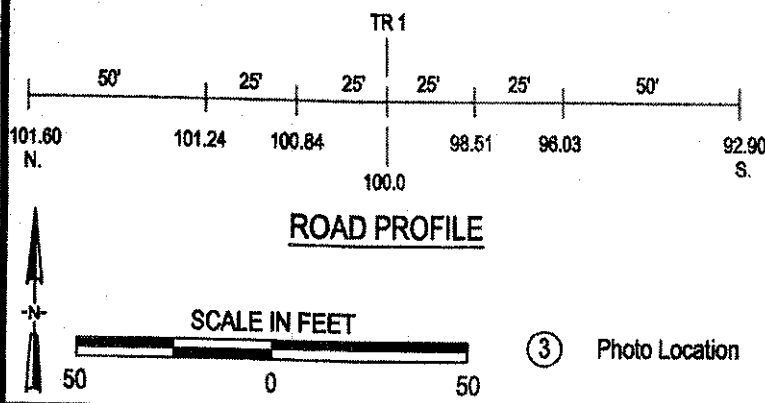
“+” Grade is ascending from crossing

“-” Grade is descending from crossing

Note: The railroad needs to replace the crossing surface in order to comply with Illinois Administrative Code 1535.203, and cut the trees and brush in the NE, SE, and NW quadrants in order to comply with Illinois Administrative Code 1535.205. The township needs to reconstruct the approach grade, particularly on the south approach, in order to comply with Illinois Administrative Code 1535.204. The estimate for approach grade reconstruction is \$18,784. Due to the poor financial condition of the township, the GCPF will pay the Township's 10% share of the AFLS&G installation (\$15,150) as well as one half of the approach grade reconstruction cost (not to exceed \$9,392). The Township will pay for the remaining approach reconstruction and also be responsible for their maintenance.



4 | WAYNE | 724710N | 724710N | 06/22/20 10:20 TFC



Crossing #:	724710N
Location:	Wayne Co., City of Golden Gate (N)
Lat/Long:	38°21'40" / 88°14'59"
Railroad:	NS
Street:	TR 548
Railroad Milepost:	123.36
Crossing Protection:	Signs

10-Jun-03

Detailed Estimate for Grade Crossing Warning Devices

City/Stat GOLDEN GATE, IL  
MilePost: 123.36-W  
State Proj.  
S&E Proj. 04.0589  
Man Days: 104

Road: TR-548  
DOT/AAR: 724710N  
County: WAYNE  
AFE:  
File 061-04.529

**\*\*\*Purchases - Other\*\*\***

Meals and	\$8,610.00	
Rental of (2 Trucks, 1 Backhoe w/ Trailer and 1 Pipe-Pusher for 26 Days)	\$18,830.00	
Construction Supervision	\$350.00	
Contingencies	\$580.00	
Purchases - Other		\$28,370.00

**\*\*\* Material and Additives\*\*\***

Material	\$59,700.00	
Sales and Use	\$2,980.00	
Material Handling & Material	\$5,670.00	\$68,350.00

**\*\*\*Labor and Additives\*\*\***

Labor (4 man crew at \$852.00 a day for: 26 days)	\$22,150.00	
Payroll Tax &&	\$19,180.00	
Preliminary	\$7,200.00	
Construction	\$6,250.00	
Labor		\$54,780.00
	Subtotal	\$151,500.00
	Credit: (Salvage/Scrap	\$0.00
	Project	\$151,500.00

Estimated on: 10-Jun-03

Estimated by: rhray

Estimate valid for 1 year from date of estimate

# NORFOLK SOUTHERN RAILWAY COMPANY

WESTERN REGION - ILLINOIS DIVISION

LEECH TOWNSHIP, ILLINOIS - TR 548 - MILEPOST 123.36-W/DOT 724-710N

ESTIMATE TO INSTALL TIMBER/ASPHALT CROSSING SURFACE PURSUANT  
TO ICC STIPULATED AGREEMENT NO. 1056

1 TRACK;

24 ' CROSSING LENGTH

MATERIAL	QUANTITY	UNIT	UNIT COST	AMOUNT
CROSSING GUARD TIMBERS	24	TRK. FT.	25.00	600
ASPHALT (in place, inc. pav. cutting)	22	TONS	85.00	1,889
RAIL, 132 lb. BW	160	LIN FT.	14.00	2,240
RAIL ANCHORS	156	EA.	0.90	140
SPIKES	0.7	KEG	56.00	39
TIE PLATES	78	EA.	6.30	491
CROSSTIES (GRADE 5)	39	EA.	26.00	1014
BALLAST AND GRAVEL	50	TONS	7.00	350
GEOTEXTILE	50	LIN FT.	3.00	150
TOTAL (INCLUDES 5% INVENTORY OR TAX ADDITIVES)				7,260

## LABOR

REMOVE EXISTING CROSSING	LUMP SUM	400
REHABILITATE TRACK STRUCTURE	LUMP SUM	1,450
INSTALL NEW CROSSING	LUMP SUM	725
TOTAL		2,575

## SALVAGE

RAIL	-3.1 TON	70.00	0
SMALL SCRAP	-1.0 TON	70.00	0
TOTAL (CREDIT)			0

COMPOSITE LABOR ADDITIVE (82.55%)	2,126
USE OF EQUIPMENT	1,094
Preliminary Engineering, Construction Supervision, Bill Preparation	945

## GRAND TOTAL

**\$14,000**

Estimate based on traffic control and barricades being provided by others, and full closure of road during construction.

OFFICE OF PUBLIC IMPROVEMENTS  
DATE: AUGUST 28, 2003

FILE:

**EXHIBIT B**  
page 2 of 2



**(Construction) Estimate of Cost**

BEGINNING AT STA.1+58 TO STA.5+50

COUNTY ROAD 2450E AT THE NORFOLK SOUTHERN RAILROAD

Bridge or Culvert	
Length	
Width	

Page Total

☐ Total Estimated Cost

18,784.00

Made by DJC Date 6-16-03

Checked by \_\_\_\_\_ Date \_\_\_\_\_

Exhibit D

ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT NO. 1056

Date 9-4-03

The Leech Township  
(Board or Council)

meeting on 8-28-03, Resolved to authorize ART LOEBACH, WAYNE CO.  
(Name, Office) ENGINEER

to act as its designated agent in the processing of this Stipulated Agreement and that Leech Township is financially willing and able to bear the cost for the proposed improvements as may be assigned to it according to Section 5 of this Agreement.